

REMARKS

In the Office Action of April 6, 2007, the specification was objected to by the Examiner, and a suggested arrangement of the specification was provided. The
5 drawings were also objected to by the Examiner. In particular, the Office Action asserts that Fig. 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. The Office Action also asserts that the drawings lack ample description of the components. The disclosure was also objected to because on
10 page 4, lines 14-15, the specification refers to "carrier signal 30" in Fig. 3, which does not correspond with the element 30 shown in Fig. 3. In addition, claims 1, 2, 4, 5, 7-9, 12 and 13 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent No. 5,103,295 (hereinafter "Uwabata et al.") in view of U.S. Patent No. 4,272,845 (hereinafter "Fiumani"). Furthermore, claims 3, 6, 10 and 11 were
15 rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Uwabata et al. and Fiumani and in further view of U.S. Patent No. 4,994,754 (hereinafter "Ohta"), in further view of U.S. Patent No. 4,933,767 (hereinafter "Hyakutake") or in further view of U.S. Patent No. 6,690,735 (hereinafter "Maddiotto et al.")

With respect to the objection to the specification, Applicant respectfully notes
20 that the suggestions in 37 C.F.R. § 1.77(b) are not statutorily required for filing a non-provisional patent application under 35 USC § 111(a), but per 37 C.F.R. § 1.51(d) are only guidelines that are suggested for Applicant's use. The section headings are not mandatory, and in fact when Rule 77 was amended in 1996 (61 FR 42790, Aug. 19, 1996), Bruce A. Lehman, Assistant Secretary of Commerce and Commissioner of
25 Patents and Trademarks, stated in the Official Gazette:

"Section 1.77 is permissive rather than mandatory. ... 1.77 merely expresses the Office's preference for the arrangement of the application elements. The Office may advise an applicant that the application does not comply with the format set forth in 1.77, and suggest this format for the applicant's
30 consideration; however, the Office will not require any application to comply with the format set forth in 1.77."

In view of the above, Applicant respectfully declines to amend the specification to include the suggested section headings, and requests that the objection to the
35 specification be withdrawn.

With respect to the drawing objection of Fig. 1, Applicant hereby submits a replacement sheet of drawings for Fig. 1. In the replacement sheet of drawings, a legend of "Prior Art" has been added to Fig. 1.

5 With respect to the other drawing objections "because the drawings lack ample description of the components," Applicant is not aware of any requirement for "ample description of the components" in the drawings. If there is such a requirement, Applicant respectfully requests that authority for such requirement be cited. Otherwise, Applicant respectfully requests that these drawing objections be
10 withdrawn.

With respect to the claim rejections, Applicant has amended claims 1-13 and has added new claim 14. As amended, Applicant respectfully asserts that the independent claims 1, 12 and 13 are not obvious in view of the cited references of
15 Uwabata et al. and Fiumani, as explained below. In view of the claim amendments and the following remarks, Applicant respectfully requests that the pending claims 1-14 be allowed.

20 A. Patentability of Amended Independent Claims 1, 12 and 13

As amended, the independent claim 1 recites in part "*a first bandpass filter arranged to recover the first signal from a received signal*" and "*a second bandpass filter arranged to recover the second signal from a received signal*," which are not disclosed in the cited references of Uwabata et al. and Fiumani. Thus, Applicant
25 respectfully asserts that the amended independent claim 1 is not obvious in view of the cited references of Uwabata et al. and Fiumani, and requests that the amended independent claim 1 be allowed.

The cited reference of Uwabata et al. discloses a demodulation circuit that
30 includes a first filter 23 and a second filter 24, as shown in Fig. 2. As stated in column 5, lines 51-54, of Uwabata et al., "[t]he first filter 23 is a Nyquist filter whose amplitude and phase frequency characteristics meet the Nyquist characteristics." Consequently, the first filter 23 of Uwabata et al. is not a bandpass filter. Thus, the cited reference of Uwabata et al. does not disclose "*a first bandpass filter arranged to*
Attorney Docket No. NL 030454 7 Amendment and Response to Office Action
Serial No. 10/555,269

recover the first signal from a received signal” and “a second bandpass filter arranged to recover the second signal from a received signal,” as recited in the amended independent claim 1.

5 The cited reference of Fiumani discloses a receiver that includes a channel filter FR and a carrier filter FP, as shown in Fig. 1. However, these filters are not described in Fiumani as being bandpass filters. Thus, the cited reference of Fiumani also does not disclose “a first bandpass filter arranged to recover the first signal from a received signal” and “a second bandpass filter arranged to recover the second
10 signal from a received signal,” as recited in the amended independent claim 1.

 To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Since none of the cited
15 references of Uwabata et al. and Fiumani “a first bandpass filter arranged to recover the first signal from a received signal” and “a second bandpass filter arranged to recover the second signal from a received signal,” these references even if combined do not teach or suggest all the limitations of the amended independent claim 1. Thus, the amended independent claim 1 is not obvious in view of the cited references of
20 Uwabata et al. and Fiumani. As such, Applicant respectfully requests that the amended independent claim 1 be allowed.

 The above remarks are also applicable to the amended independent claims 12 and 13, which recite similar limitations as the amended independent claim 1. Thus,
25 the amended independent claims 12 and 13 are also not obvious in view of the cited references. As such, Applicant respectfully requests that the amended independent claims 12 and 13 be allowed as well.

B. Patentability of Dependent Claims 2-11 and 14

30

 Each of the dependent claims 2-11 and 14 depends on the amended independent claim 1. As such, these dependent claims include all the limitations of the amended independent claim 1. Therefore, Applicant submits that these dependent

claims are allowable for at least the same reasons as the amended independent claim
1.

Applicant respectfully requests reconsideration of the claims in view of the
5 remarks made herein. A notice of allowance is earnestly solicited.

Respectfully submitted,
Johannes Van Nieuwenburg

10

Date: January 9, 2008

By: /thomas h. ham/
Thomas H. Ham
Registration No. 43,654
Telephone: (925) 249-1300

15